

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
Northern DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

JUN 22 2015

JAMES N. ALLEN, Clerk  
BY: Allen  
Deputy Clerk

FRANCINE I. FRANCOIS  
(Print your full name)

Plaintiff *pro se*,

CIVIL ACTION FILE NO.

**1:15-CV-2241**

(to be assigned by Clerk)

v.

Quest Diagnostics  
LABORATORIES

(Print full name of each defendant; an  
employer is usually the defendant)

Defendant(s).

**PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM**

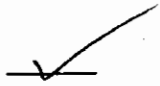
**Claims and Jurisdiction**

1. This employment discrimination lawsuit is brought under (check only those that apply):



Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

**NOTE:** To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").



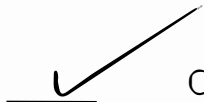
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

**NOTE:** To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.



Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

**NOTE:** To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.



Other (describe) \_\_\_\_\_

Retaliation and discrimination

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. Plaintiff. Print your full name and mailing address below:

Name FRANCINE I. FRANCOIS  
Address 3328 WALDROP TRAIL  
DECATUR, GA. 30034

4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:

Name QUEST DIAGNOSTIC LAB  
Address 1777 MONTREAL CIRCLE  
TUCKER, GA. 30084

Name VANESSA A URZE  
Address SENIOR CORPORATE COUNSEL  
QUEST DIAGNOSTIC LAB

Name 3 GIRALDA FARMS  
MADISON, NJ 07940

Address \_\_\_\_\_  
\_\_\_\_\_

Location and Time

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

QUEST DIAGNOSTIC LAB  
1777 MONTREAL CIRCLE  
TUCKER, GA. 30084

6. When did the alleged discrimination occur? (State date or time period)

started: once new manager and supervisor  
was assigned.

July 1, 2014 and most recently in  
February of 2015 and March of 2015.  
And still going on to date.

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

\_\_\_\_\_

9. If you are suing for **age discrimination**, check one of the following:

☐ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☒ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

☐ Yes

☐ No

☒ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

N/A

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

☐ Yes

☐ No

☒ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

N/A

**Nature of the Case**

12. The conduct complained about in this lawsuit involves (check only those that apply):

☒ failure to hire me  
☒ failure to promote me  
☐ demotion  
☐ reduction in my wages  
☒ working under terms and conditions of employment that differed from similarly situated employees  
☒ harassment  
☒ retaliation  
☐ termination of my employment  
☐ failure to accommodate my disability  
☐ other (please specify) \_\_\_\_\_

13. I believe that I was discriminated against because of (check only those that apply):

☒ my race or color, which is AFRICAN-AMERICAN (with light skin & hazel eyes)  
☐ my religion, which is \_\_\_\_\_  
☐ my sex (gender), which is \_\_\_\_\_ male \_\_\_\_\_ female  
☐ my national origin, which is \_\_\_\_\_  
☒ my age (my date of birth is 8/18/1961)  
☐ my disability or perceived disability, which is: \_\_\_\_\_  
☒ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation  
☐ other (please specify) \_\_\_\_\_

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

① I began working for Quest Diagnostics LAB in October 1987, as a processor I. My most recent title is pre-analyzer III. On July 1, 2014 and most recently in Feb. of 2015 and March of 2015, I complained to Janet Dore (Director) and Faith Mangano (H.R. generalist) of the discrimination and unfair practices against me from our recently appointed supv/manager (Heedra Cotton / Debbie Knight).

② I was denied more interviews, was ~~retaliated~~<sup>retaliated</sup> against and bullied by my manager and her staff, for complaining about being harassed by Dwight (house-keeping) and her promoting and secretly training less qualified employees for better positions and work schedules than myself.

She only promoted dark skinned or CAUCASIAN applicants with less experience and training than myself.

③ I was told by Debbie there was a freeze on promotions after I asked why I was not considered for advancement, shortly after

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

she promoted less qualified employees before posting the jobs.

Page 7 of 9

④ I hired an attorney to litigate this case, but to date Quest has not tried in good faith to settle outside of court.

15. Plaintiff ☒ still works for defendant(s)  
☐ no longer works for defendant(s) or was not hired

16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? ☐ Yes ☐ No

If you checked "Yes," please explain: \_\_\_\_\_

N/A

17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? ☒ Yes ☐ No

### Request for Relief

As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

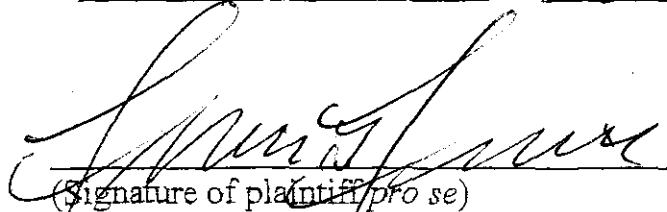
- ☒ Defendant(s) be directed to Resign And/or let Judge/Jury decide
- ☒ Money damages (list amounts) At sum to be proven
- ☒ At trial plus All Attorney And out of pocket expenses
- ☒ Costs and fees involved in litigating this case
- ☒ Such other relief as may be appropriate



**PLEASE READ BEFORE SIGNING THIS COMPLAINT**

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 22<sup>nd</sup> day of June, 20 15

  
(Signature of plaintiff pro se)

Francine I. Francois  
(Printed name of plaintiff pro se)

3328 Waldrap Trail  
(street address)

Decatur, GA, 30034  
(City, State, and zip code)

FRANCOISFRAN@bellsouth.net  
(email address)

770-841-1141  
(telephone number)

EEOC Form 161 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Francine Francois  
3328 Waldrop Trail  
Decatur, GA 30034

From: Atlanta District Office  
100 Alabama Street, S.W.  
Suite 4R30  
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2015-02699

John R. Jarvis,  
Investigator

(404) 562-6883

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Bernice Williams-Kimbrough,  
District Director

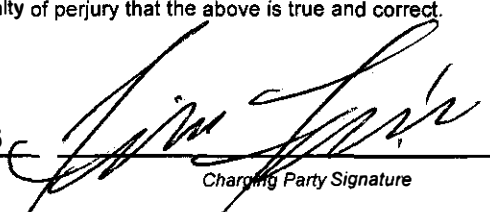
MAR 27 2015

(Date Mailed)

Enclosures(s)

cc: Vanessa A. Urie  
Senior Corporate Counsel  
QUEST DIAGNOSTIC LAB  
3 Giralda Farms  
Madison, NJ 07940

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): <b>410-2015-02699</b> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) <b>Francine Francois</b>		Home Phone (Incl. Area Code) <b>(770) 841-1141</b>	Date of Birth <b>08-18-1961</b>
Street Address _____ City, State and ZIP Code <b>3328 Waldrop Trail, Decatur, GA 30034</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>QUEST DIAGNOSTIC LAB</b>		No. Employees, Members <b>500 or More</b>	Phone No. (Include Area Code) <b>(866) 709-0772</b>
Street Address _____ City, State and ZIP Code <b>1777 Montreal circle, Tucker, GA 30084</b>			
Name  		No. Employees, Members  	Phone No. (Include Area Code)  
Street Address _____ City, State and ZIP Code  			
DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>06-01-2014                      03-06-2015</b> <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <b>I. I began working for the above named employer in October of 1987, as a Processor 1. My most recent title is Pre-Analytical III. On July 1, 2014 and most recently in February of 2015 and March of 2015, I complained to Janet Doiefler (Director) and Faith Mangano (Human Resources Generalist), that I was being denied promotions based on my race, color, and age. Since complaining I have been subjected to different terms and conditions of employment in that I am denied training and have been told that positions are frozen. Also denied opportunities to switch my shift and was not informed about changes prior to department meetings like everyone else. I have been black balled and lied to about jobs. No freeze, but was told by Debbie Knight it was a freeze, co-worker heard her tell me that. Jobs were given to less experience people and was later posted after other employees complained. These people have been/is being trained to fit the job descriptions. Only Debbie's "clicks" promoted. My previous supervisor and I spoke with Sue (Safety Director) about Dwight. She said if he didn't stop harassing me, they would let him go. Weeks later, we spoke with Debbie Kight, she said that's my perception, its personal, I need to call the police.</b>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.  <div style="display: flex; justify-content: space-between;"> <div> <b>Mar 17, 2015</b>            Date         </div> <div>             Charging Party Signature         </div> </div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <div style="text-align: center; font-weight: bold; font-size: 1.2em;">EEOC-ATDO</div>	

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**410-2015-02699**

and EEOC

State or local Agency, if any

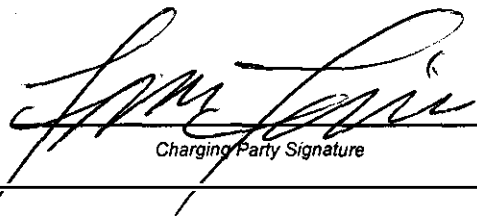
**II. I believe I am being discriminated against because of my race (African-American), color, and in retaliation for opposing unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, as amended, and because of my age (53), and in retaliation for opposing unlawful employment practices in violation of the age Discrimination in Employment Act of 1967, as amended.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Mar 17, 2015**

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**EEOC-ATDO**